

# United States District Court District of Massachusetts

THE HIPSAVER COMPANY, INC.,  
Plaintiff,

V.

CIVIL ACTION NO. 2005-10917-PBS

J. T. POSEY COMPANY,  
Defendant.

***ORDER  
ON PLAINTIFF'S  
FURTHER MOTION  
TO COMPEL IMMEDIATE  
PRODUCTION OF DOCUMENTS  
AND INFORMATION IN RESPONSE  
TO ITS SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS (#113)***

COLLINGS, U.S.M.J.

After hearing held on July 13, 2006, the Court takes the following action on the matters which remain in dispute as per the Joint Status Reports, Etc. (#133):

Requests ##15 & 16: ALLOWED as to the hip protector products for the time period from 2001 to 2005. ALLOWED as to ten specific fall management products which plaintiff designates for the time period from 2001 to 2005; otherwise DENIED.

Request #17: ALLOWED as to information from Posey's electronic database; otherwise, DENIED.

Requests ## 18, 23, 24, 26: ALLOWED as to the time period 2001-2005 as to any information derivable from Posey's electronic database respecting launderability and/or durability issues; otherwise, DENIED.

Request #19: ALLOWED as to the time period 2001-2005; however, the defendant may redact any entries on the tax returns which do not relate to the gross and net revenues derived from sales of goods and deductions or adjustments (such as manufacture and distribution) from such gross revenues and profits from sale of goods; otherwise, DENIED.

Request #25: ALLOWED.

To the extent that the motion (#113) has been herein allowed, the defendant is ORDERED, pursuant to Rule 37(a)(2), Fed. R. Civ. P., to produce documents *on or before the close of business on Friday, August 11, 2006.*

/s/ Robert B. Collings

ROBERT B. COLLINGS  
United States Magistrate Judge

Date: July 17, 2006.